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SourceAmerica

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BONA FIDE CONGLOMERATE,
INC.,

Plaintiff,

v.

SOURCEAMERICA, et al.,

Defendants.

Case No.: 14cv0751 GPC (AGS)

**DECLARATION OF MATTHEW P.
NUGENT IN SUPPORT OF JOINT
MOTION TO CONTINUE
DEADLINE FOR
DEFENDANT/COUNTERCLAIMANT
SOURCEAMERICA TO FILE A
MOTION TO COMPEL**

AND RELATED COUNTERCLAIMS

I, Matthew P. Nugent, declare:

1. I am an attorney at law licensed to practice before this Court and am a partner in the law firm of Gordon Rees Scully Mansukhani, LLP, counsel for Defendant and Counterclaimant SourceAmerica ("SourceAmerica") in the above-entitled matter. The facts contained within this declaration are true of my own

1 knowledge and are such that I could, and would if called upon to do so,
2 competently testify thereto.

3 2. On April 14, 2017, Magistrate Judge Andrew G. Schopler issued a
4 Protective Order (Dkt. 396). Once the Protective Order was in place, the parties
5 commenced producing documents identified in their Rule 26(a)(1) disclosures and
6 documents responsive to each other's requests for production of documents. To
7 date, SourceAmerica has produced approximately 57,000 pages of documents.

8 3. On May 5, 2017, Plaintiff/Counterdefendant Bona Fide
9 Conglomerate, Inc. ("Bona Fide") and Counterdefendant Ruben Lopez ("Lopez")
10 produced a first set of document production and thereafter, on May 15, 2017,
11 produced additional documents, for a total of approximately 12,000 pages of
12 documents.

13 4. Following its receipt and review of Bona Fide and Lopez's document
14 productions, SourceAmerica has identified approximately 51 requests for
15 production to Bona Fide and Lopez in response to which it believes Bona Fide and
16 Lopez have not produced any documents to date, despite having agreed to do so.
17 Further, with respect to numerous other requests, SourceAmerica is unable to
18 determine whether Bona Fide and Lopez have produced all responsive documents
19 they have agreed to produce.

20 5. Bona Fide and Lopez have agreed to review the 51 requests at issue;
21 to produce any remaining documents responsive to the 51 requests in their
22 possession, custody, or control that they have agreed to produce, but have not yet
23 produced, by June 9, 2017; and to serve any amended responses, as appropriate, to
24 SourceAmerica's Requests for Production by June 9, 2017.

25 6. Magistrate Judge Andrew G. Schopler's Chambers Rules, Rule C.2,
26 require that any motions to compel be brought within 30 days of the date the

1 dispute first arose. Because Bona Fide and Lopez's first set of document
2 production was provided to SourceAmerica on May 5, 2017, the deadline under
3 Magistrate Judge Schopler's Chambers Rules for SourceAmerica to file a motion
4 to compel further document production by Bona Fide and Lopez could be
5 interpreted to occur on or about June 5, 2017.

6 7. An extension of SourceAmerica's deadline to file a motion to compel
7 further document production by Bona Fide and Lopez for 14 days, until and
8 through June 19, 2017, would provide sufficient time for Bona Fide and Lopez to
9 complete their document production; to serve amended responses to
10 SourceAmerica's requests for production of documents; and for the parties to meet
11 and confer further, if appropriate, without the unnecessary consumption of the
12 Court's and the parties' time and resources that would otherwise occur if
13 SourceAmerica is required to file a motion to compel on or about June 5, 2017.
14 For these reasons, good cause exists to grant the requested relief.

15 I declare under penalty of perjury under the laws of the United States and
16 California that the foregoing is true and correct.

17 Executed on June 2, 2017 at San Diego, California.

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19 s/ Matthew P. Nugent
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